

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 401

Citations Affected: IC 9-13-2; IC 9-21; IC 9-25-4; noncode.

Synopsis: Electric personal assistive mobility devices. Conference committee report for ESB 401. Defines an electric personal assistive mobility device as a self-balancing, two nontandem wheeled device with certain other attributes. Excludes an electric personal assistive mobility device from the definition of motor vehicle and from various requirements in the motor vehicle code. Prohibits a local authority from restricting the use of an electric personal assistive mobility device on a path set aside for the exclusive use of bicycles. Requires the state fair commission to allow the use of electric personal assistive mobility devices at the state fairgrounds. (This conference committee report: (1) deletes the requirement that an Indiana resident who purchases an off-road vehicle, motor scooter, or motorized bicycle after July 1, 2002, that would be operated in the state acquire a certificate of title for the vehicle; and (2) deletes the provisions under which state and local traffic regulation might occur on private roads and highways and a local authority might adopt additional traffic regulations regarding a private road within the authority's jurisdiction.)

Effective: Upon passage.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 401 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 2, delete lines 24 through 27.
- 2 Page 3, line 22, delete "includes" and insert "**does not include**".
- 3 Page 3, delete lines 23 through 42.
- 4 Delete pages 4 through 5.
- 5 Page 6, delete lines 1 through 28.
- 6 Page 6, line 30, delete "A" and insert "**Except as provided in section**
- 7 **3.5 of this chapter, a**".
- 8 Page 6, line 32, reset in roman "streets, and".
- 9 Page 6, line 35, delete "After a request has been made at a public
- 10 meeting or by".
- 11 Page 6, delete lines 36 through 42.
- 12 Page 7, delete lines 1 through 6.
- 13 Page 7, line 7, delete "(c)".
- 14 Run in page 6, line 35 and page 7, line 7.
- 15 Page 7, delete lines 10 through 42.
- 16 Page 8, delete lines 1 through 9, begin a new paragraph and insert:
- 17 "SECTION 6. IC 9-21-1-3.5 IS ADDED TO THE INDIANA CODE
- 18 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
- 19 **UPON PASSAGE]: Sec. 3.5. A local authority may not adopt by**
- 20 **ordinance any prohibition against or restriction on the use of an**
- 21 **electric personal assistive mobility device operated on a path set**

1 aside for the exclusive use of bicycles as set forth in
2 IC 9-21-11-1(b).".

3 Page 8, delete lines 25 through 29, begin a new paragraph and insert:
4 "SECTION 9. IC 9-30-7-0.5 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: **Sec. 0.5. This chapter does not apply to the
7 operator of an electric personal assistive mobility device.**

8 SECTION 10. [EFFECTIVE UPON PASSAGE] (a) As used in this
9 SECTION, "electric personal assistive mobility device" means a
10 self-balancing, two nontandem wheeled device that is designed to
11 transport only one (1) person and that has the following:

12 (1) An electric propulsion system with average power of seven
13 hundred fifty (750) watts or one (1) horsepower.

14 (2) A maximum speed of less than twenty (20) miles per hour
15 when operated on a paved level surface, when powered solely
16 by the propulsion system referred to in subdivision (1), and
17 when operated by an operator weighing one hundred seventy
18 (170) pounds.

19 (b) As used in this SECTION, "commission" refers to the state
20 fair commission established by IC 15-1.5-2-1.

21 (c) As used in this SECTION, "executive director" refers to the
22 executive director of the commission employed under
23 IC 15-1.5-2-9.

24 (d) As used in this SECTION, "fairgrounds" has the meaning set
25 forth in IC 15-1.5-1-7.

26 (e) As used in this SECTION, "motorized cart" means any
27 conveyance that is motor driven, either by gas or electricity, that
28 is used to carry passengers or equipment, and that is smaller than
29 normal road type vehicles such as cars, recreational vehicles, and
30 trucks.

31 (f) Notwithstanding IC 9-13-2-109, as amended by this act, and
32 notwithstanding 80 IAC 4-3-3(a), an electric personal assistive
33 mobility device is considered to be a motorized cart and may be
34 used upon the fairgrounds.

35 (g) Before January 1, 2003, the commission shall amend 80
36 IAC 4-3-3 to permit the use of an electric personal assistive
37 mobility device upon the fairgrounds as a motorized cart.

38 (h) Before January 1, 2003, the commission shall amend 80
39 IAC 4-3-5(d) and (e) to exclude a person who uses an electric
40 personal assistive mobility device upon the fairgrounds from the
41 insurance requirements of those subsections.

42 (i) The commission shall carry out the duties imposed upon it
43 under this SECTION under interim guidelines that are approved
44 by the executive director and authorized by the adoption of a
45 resolution by the commission under IC 15-1.5-2-9(c)(1).

46 (j) This SECTION expires on the earlier of the following:

47 (1) The dates rules are adopted under subsections (f), (g), and
48 (h) of this SECTION.

49 (2) December 31, 2003."

50 Renumber all SECTIONS consecutively.

(Reference is to SB 401 as reprinted February 26, 2002.)

Conference Committee Report
on
Engrossed Senate Bill 401

Signed by:

Senator Riegsecker
Chairperson

Representative Stilwell

Senator Sipes

Representative Mock

Senate Conferees

House Conferees